IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4827 of 1995

Between:

T. Sambasiva Rao, S/o. Late Sri Seshaiah,
Steno-Typist, District Munsif's Court, Nuzvid,
Krishna District.

..... PETITIONER

AND

1 The District Judge,
Krishna, Machilipatnam.
2 The District Munsif,
Nuzvid, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction more particularly one in the

nature of Writ of Mandamus, declaring the action of the 2nd respondent in rejecting the claim of two advance increments to the petitioner, who possessed Law Degree qualification, as illegal, arbitrary, discriminatory and against the provision of G.O. Ms. No. 182 dt.17.7.87 and the clarification given by the Hon'ble Court (Vide proceedings ROC.No. 1285/Estt.I dt. 6.3.92) which were issued in pursuance of the Judgment of the Division Bench of this Hon'ble Court in W.P. No. 17584/88 dt. 13.11.1991: consequently declaring that the petitioner is entitled to two advance increments and other consequential benefits from the date of passing Law Examination and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.M.PRABHAKAR RAO

Counsel for the Respondents : MR. C.V. NAGARJUNA REDDY.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Petitioner being Steno-Typist, working in District Munsif's Court, Nuzvid, acquired LL.B., degree in the year 1993 and this additional degree qualification of LL.B., was entered in the Service Register in February, 1995, but he was not given two advance increments in terms of G.O.Ms.No.182, dated 17.07.1987 and the High Court's proceedings dated 06.03.1992. Therefore, he filed this writ petition.

2. As per G.O.Ms.No.182, dated 17.07.1987 Steno-Typists are entitled for two advance increments on acquiring LL.B., degree since that additional qualification is relevant to the functions performed by the Steno-Typists. Moreover, the case is squarely covered by the judgment of the Apex Court reported in **THE SECRETARY, FINANCE & PLANNING DEPARTMENT Vs. SALADA S. RAO (1)**.

(1) 1999 (3) Supreme 80.

Writ petition is accordingly allowed in terms of the prayer made therein. No costs.

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DEVINDER GUPTA. C.J.,

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B. SESHASAYANA REDDY. J.,

Dated: 23.12.2004.

VRK.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice, on this Thursday, the twenty third day of December, Two thousand and four.

To

1 The District Judge,
Krishna, Machilipatnam.
2 The District Munsif,
Nuzvid, Krishna District.

3. Two CD copies.

4. The Section Incharge, Legal Cell, High Court of A.P.,

Hyderabad.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.

-

W.P.NO. 4827 OF 1995.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 23.12.2004.